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Attorney for Defendant Jackie Lee Newsome

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACKIE LEE NEWSOME,

Defendant.

Case No.: 2:11-cr-223-JAD-CWH-1
Case No.: 2:12-cr-145-JAD-GWF-2

**STIPULATION TO CONTINUE
SENTENCING HEARING**

(Seventh Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Kimberly Frayn, Assistant United States Attorney, counsel for the United States of America, and Melanie A. Hill, counsel for defendant JACKIE LEE NEWSOME, that the sentencing hearing currently scheduled for January 21, 2015, at the hour of 10:00 a.m. be vacated and continued at least thirty (30) days to a date and time convenient to this court on a Monday, Wednesday, or Friday morning. Counsel for Mr. Newsome requests that the sentencing hearing be set in the morning to accommodate Mr. Newsome's long-time girlfriend and mother of his 14 year old son, Rhonda Hickman's, afternoon work schedule. Ms. Hickham would like to attend the sentencing hearing and speak on Mr. Newsome's behalf. Mr. Newsome also requests that his sentencing hearing be scheduled on a Monday, Wednesday, or Friday to accommodate his current dialysis schedule.

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1 This Stipulation is entered into for the following reasons:

2 1. Counsel for the Defendant, Melanie Hill, and counsel for the Government, Kimberly
3 Frayn, are awaiting the determination by the 5K committee of the Government's recommended
4 sentence and anticipate that a decision will be made on January 20, 2015, the day before the current
5 scheduled sentencing. Once the recommendation is made, counsel for Mr. Newsome needs
6 additional time to prepare his sentencing memorandum based on the Government's recommended
7 sentence.

8 2. The parties have been diligent in obtaining the information needed by the committee
9 regarding Mr. Newsome's current medical status, however, unanticipated delays occurred as detailed
10 herein. Counsel for Mr. Newsome was waiting for letters from Mr. Newsome's treating physicians
11 to provide to counsel for the Government regarding the severity of Mr. Newsome's medical
12 conditions and Mr. Newsome's prognosis. However, due to a closing of Mr. Newsome's primary
13 care physicians's office for a week during the holidays and the doctor's busy schedule, the letters
14 were not received until December 23, 2014 and January 6, 2015. Additionally, Mr. Newsome has
15 recently been referred to an additional specialist this week and counsel is in the process of obtaining
16 a letter from Mr. Newsome's newest specialist. Counsel for Mr. Newsome is also obtaining an
17 additional letter from Mr. Newsome's primary care physician regarding his daily medications and
18 the impact on his health if he is taken off any of his medications if incarcerated at the Bureau of
19 Prisons. This newest request regarding medications is based on recent charges to Mr. Newsome's
20 heath and necessity to meet with a new specialist.

21 3. Counsel for the Government was delayed in seeking approval from the committee
22 due to her and her supervisor's participation in a week long evidentiary hearing in one of her other
23 federal criminal cases during the week of December 15, 2014 that was scheduled after the November
24 19, 2014 status conference in this case.

25 4. The defendant is out on a PR bond and does not object to the continuance.

26 5. The parties agree to the continuance.

27 6. The additional time requested herein is not sought for purposes of delay, but to allow
28 counsel for both parties additional time to prepare for the sentencing hearing in this case after both

1 parties receive the Government's 5K/3553(e) sentencing determination by the 5K committee next
2 week. Thereafter, both counsel can finalize their sentencing memorandums and file them with the
3 Court.

4 7. Additionally, denial of this request for continuance could result in a miscarriage of
5 justice.

6 This is the seventh request to continue the sentencing hearing filed herein.

7 DATED this 15th day of January, 2015.

8
9 LAW OFFICE OF MELANIE HILL
Appointed Counsel

DANIEL G. BOGDEN
United States of America

10 */s/ Melanie A. Hill*

/s/ Kimberly Frayn

11 By: _____
12 MELANIE A. HILL
Counsel for Defendant Jackie Lee Newsome

By: _____
KIMBERLY FRAYN
Assistant United States Attorney
Counsel for the Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant, Melanie Hill, and counsel for the Government, Kimberly Frayn, are awaiting the determination by the 5K committee of the Government's recommended sentence and anticipate that a decision will be made on January 20, 2015, the day before the current scheduled sentencing. Once the recommendation is made, counsel for Mr. Newsome needs additional time to prepare his sentencing memorandum based on the Government's recommended sentence.

2. The parties have been diligent in obtaining the information needed by the committee regarding Mr. Newsome's current medical status, however, unanticipated delays occurred as detailed herein. Counsel for Mr. Newsome was waiting for letters from Mr. Newsome's treating physicians to provide to counsel for the Government regarding the severity of Mr. Newsome's medical conditions and Mr. Newsome's prognosis. However, due to a closing of Mr. Newsome's primary care physicians's office for a week during the holidays and the doctor's busy schedule, the letters

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15 counsel for both parties additional time to prepare for the sentencing hearing in this case after both
16 parties receive the Government's 5K/3553(e) sentencing determination by the 5K committee next
17 week. Thereafter, both counsel can finalize their sentencing memorandums and file them with the
18 Court.

19 7. Additionally, denial of this request for continuance could result in a miscarriage of
20 justice.

21 8. This is the seventh request to continue the sentencing hearing filed herein.

22 **CONCLUSIONS OF LAW**

23 For all of the above-stated reasons, the ends of justice would best be served by a continuance
24 of the sentencing hearing.

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ORDER

IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for January 21, 2015, at the hour of 10:00 a.m. be vacated and continued to Monday, February 23, 2015, at 11:00 a.m.

DATED this _ 15th day of January, 2015.


JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE